

County: MARICOPA Citation #: 07010007160074
City: AVONDALE

Date/Time: 06/09/2010 07:59

VIOLATOR

First Name: ROBERT Middle: DOB: 05/05/1974
Last: SMITH
Address: 342 E 108 ST City: LOS ANGELES State: CA Zip: 90003
Hgt: 5'08" Eyes: BRO Origin: B
Wgt: 250 Sex: M Hair: BLK
DL #: D07174134 DL State: AZ Lic Expires: 2014
Endorsement: Military: N
Restriction: Interpreter:
Phone: Class: D
Business Addr: City: State: Zip:
Juvenile: N SSN: Same as DL: N

REGISTRATION

Yr. Veh: 2010 Veh. Plate #: CF32360
Color: WHI Tag Expires: 03/2011 State: AZ
Make: CHEV Model: CT3 Style: UTIL
VIN: 1GB5G3BG7A1133727

Reg. Owner Name: ENTERPRISE
Reg. Owner Addr: 1440 W DRIVERS WAY TEMPE AZ
Same as Def: N

LOCATION

Upon a Public Street or Highway or Other Location Namely:
DYSART RD
COLDWATER PLZ

Accident: N Weather: CLEAR Time Conditions: DAY
Turn Lane: LEFT Lighting Conditions: DAY
Direction of Travel: NORTH Lane of Travel: 1
Traffic Conditions: MEDIUM

VIOLATIONS

The undersigned says defendant did:

Approx Speed: 5 Posted Speed: 0 Victim Rights:
Reasonable Speed: 0 Device:

CMV N Fatal: N Ser. Inj: N Hazmat: N Accident: N Victim: N
FAIL TO OBEY TRAF CNTL DEVICE Type1: CIVIL TRAFFIC

28-644A1 Committed A: CIVIL TRAFFIC DV1: N
DISP CODE DISP DATE SANCTION/PENALTY
11-3-10 120 FTD
DRIVE WITH LICENSE SUSPENDED FTA/FTP Type2: CRIMINAL TRAFFIC

28-3473C Committed B: CRIMINAL TRAFFIC DV2: N
DISP CODE DISP DATE SANCTION/PENALTY
11-3-10 130
Type3:

Committed C: DV3: N
DISP CODE DISP DATE SANCTION/PENALTY
Type4:

Committed D: DV4: N
DISP CODE DISP DATE SANCTION/PENALTY
Type5:

Committed E: DV5: N
DISP CODE DISP DATE SANCTION/PENALTY

COURT INFORMATION

AVONDALE CITY COURT
11325 W CIVIC CENTER DR
AVONDALE, AZ 85323
(623) 333-6800

Appearance Date and Time: 07/14/2010 8:30 AM
SEE BOND CARD REFERENCE SANCTIONS REVISED 02/2005

SIGNATURE

Signature of Defendant: [Signature]
Without admitting guilt or responsibility, I promise to appear as directed in this complaint
I certify that, upon reasonable grounds, I believe the defendant committed the above
act(s) described, contrary to law, and have served a copy of this complaint upon defendant

Signature of Officer: T. ALT #1128
Officer ID: ALTT Laser/Radar #
Vehicle #: Case number: 1032381
Supplement: No Case Report: N
Agency Name: AVONDALE POLICE DEPARTMENT

This is a citation charging you with an offense to take action. Your initial appearance date, time and court location appears above your signature. If you do not pay the fine, appear at or contact the court by your appearance date, the court will take action.

You have been charged with one or more of the following: civil ordinance violation, civil traffic violation, criminal traffic offense, criminal offense, or petty offense. In order to determine what type of offense(s) you have been charged with, look to the right of the word "Committed" in the Violations section of the citation. Use the instructions below to determine what action you must take.

CIVIL TRAFFIC

If you were charged with a civil traffic violation and you fail to appear as directed in this citation, a default judgment will be entered against you, a monetary penalty will be imposed, and your driver license or nonresident operating privilege will be suspended. Your driver license or nonresident operating privilege will remain suspended until the monetary penalty is paid and you satisfy Motor Vehicle Division requirements (A.R.S. §28-1557).

CRIMINAL TRAFFIC

If you were charged with a criminal traffic offense and you fail to appear as directed in this citation, a warrant will be issued for your arrest and your driver license or nonresident operating privilege will be suspended. Your driver license or nonresident operating privilege will remain suspended until you satisfy the court and Motor Vehicle Division requirements (A.R.S. §28-1557).

CRIMINAL OR PETTY OFFENSE

If you were charged with a criminal or petty offense and you fail to appear in court as directed in this citation, a warrant will be issued for your arrest (A.R.S. §13-3903).

CIVIL ORDINANCE VIOLATION

If you were charged with a civil ordinance violation and you fail to appear as directed in this citation, a default judgment will be entered against you, and a monetary penalty will be imposed.

Court Appearance for Criminal, Criminal Traffic, or Petty Offense

If you have received a criminal, criminal traffic, or petty offense citation, you must appear personally or you may appear by having an attorney enter a notice of appearance on your behalf, by your appearance date. If you fail to appear at court, a warrant will be issued for your arrest and you will be charged with an additional misdemeanor crime of violation of promise to appear (A.R.S. §13-3904). If the court is closed on the appearance date indicated on this citation, you must appear on the following business day at the time indicated.

WARNING TO ALL PERSONS UNDER 18 YEARS OF AGE
Your parent or guardian must accompany you to court. (A.R.S. §8-323) If you fail to appear as directed in this citation, the court will direct the Motor Vehicle Department to suspend your driver license or driving privilege.

ADDITIONAL INSTRUCTIONS CAN BE FOUND ON THE INFORMATION CARD, IF PROVIDED TO YOU BY THE OFFICER.

In The Avondale City Court – County of Maricopa – State of Arizona

PAGE 1 OF 2

STATE OF ARIZONA,
vs.Case No. TR 2010-02414Robert Smith

Defendant

PLEA AGREEMENT

The State of Arizona and the Defendant hereby agree to the following disposition of this case.

The Defendant agrees to plead guilty (criminal) / responsible (civil) to: ☒ As Amended

- ☐ Count ___ ARS§ 28-3473 () Driving on a Suspended License a class 1 misdemeanor
- ☒ Count B ARS§ 28-3151A Driving Without a Valid Driver's License a civil offense
- ☐ Count ___ ARS§ 28-4135A No Mandatory Insurance a civil offense
- ☐ Count ___ ARS§ 28-4135C Fail to Produce Evidence of Financial Responsibility a civil offense
- ☐ Count ___ ARS§ 28-4139A Displaying Plates Suspended for Financial Responsibility a civil offense
- ☐ Count ___ ARS § 28-2532A No Current Registration a civil offense
- ☐ Count ___ ARS § 28-2153A No Current Registration a civil offense
- ☐ Count ___ ARS § 28-2158C Failure to Carry Registration Card a civil offense
- ☐ Count ___ ARS § 28-2531B(1) Knowingly Displaying Fictitious Plates a class 2 misdemeanor
- ☐ Count ___ ARS § 28-701A Speed Not Reasonable and Prudent a civil offense
- ☐ Count ___ ARS § 28-701.02A() Excessive Speed a class 3 misdemeanor
- ☐ Count ___ ARS § 28-693A Reckless Driving a class 2 misdemeanor
- ☐ Count ___ ARS § 28-708A Racing on Highways / Exhibition of Speed a class 1 misdemeanor
- ☐ Count ___ ARS § 28-66 (A) Leaving the Scene of an Accident a class 3 misdemeanor
- ☐ Count ___ Rule 17-5-202 _____ a class 1 misdemeanor
- ☒ Count A ARS§ 28-644A FAIL TO OBEY TRAFFIC a class 1 CONTROL DE VEH misdeamnor/civil offense

Date of Offense 6/9/10

The parties stipulate for the purposes of determining a factual basis, sentencing, and/or restitution to the incorporation by reference of the Avondale Police Departmental Report as listed in the Complaint.

On the following terms and conditions:

\$ 260 Fine that includes surcharge, probation fee, and court enhancement fee
[count A 130 + count B 130 + count _____]☐ Not Eligible for Defensive Driving School to satisfy fine

\$ _____ Jail Costs

0 Days in jail

_____ Days in jail are credited to the above sentence as time served

- ☐ Dismiss Counts _____ Complaint _____
- ☐ Dismiss Counts _____ Complaint _____
- ☐ Defensive Driving School on Count _____ ☐ Dismiss CR / TR _____

CR/TR 2010- 02414

PAGE 2 OF 2

The parties agree that Defendant shall pay restitution on all charges admitted/dismissed/amended to all persons/victims who have suffered economic loss as a result of the criminal conduct to which Defendant was charged with and/or pled guilty/no contest to. Restitution shall not exceed \$50,000. Restitution shall remain open for 90 days.

Defendant is responsible for providing written proof to the Court for completion of any counseling/education requirements.

If a violation of probation is found the judge shall impose the entire amount of any jail time suspended above. Defendant acknowledges if placed on probation and in the event he violates any written condition of probation he can be sentenced to jail or a fine, or any combination thereof, regardless of whether or not any suspended jail time was imposed as part of this plea agreement.

Defendant acknowledges that he has been advised of the potential maximum penalty for misdemeanors as follows: class 1 misdemeanor, 6 months jail / \$2,500 fine / 3 years probation; class 2 misdemeanor, 4 months jail / \$750 fine / 2 years probation; and class 3 misdemeanor, 30 days jail / \$500 fine / 1 year probation. DUI offenses maximum of 5 years supervised probation.

If this plea agreement includes a conviction for a traffic offense the Arizona Department of Transportation Motor Vehicle Division may take action unrelated to the court action that may affect the Defendant's driver's license and/or vehicle registration and/or the vehicle itself. For any offense of Driving Under the Influence the Defendant will be required by MVD to equip any motor vehicle the person operates with a certified ignition device for at least 1 year (DUI) / 18 months (DUI with BAC above .20) / 2 years (2nd offense DUI with BAC above .20) after the conclusion of the license suspension and/or revocation related to this offense.

This plea agreement in no way affects any forfeiture proceedings pursuant to A.R.S. § 13-4301 et seq., § 13-2314, or § 32-1993, if applicable, nor does the plea agreement in any way compromise or abrogate any civil actions, including actions pursuant to A.R.S. § 13-2301 et seq. or § 13-4301 et seq., or the provisions of A.R.S. § 13-2314 or A.R.S. § 13-4310.

Defendant consents to judicial fact finding by a preponderance of the evidence as to any aspect or enhancement of sentence. In making sentence determination the court is not bound by the rules of evidence. Unless this plea is rejected or withdrawn by either party, the Defendant hereby waives and gives up any and all motions, defenses, objections or requests which he has made or raised, or could assert hereafter, to the Court's entry of judgment against him and imposition of a sentence upon him consistent with this agreement. By entering this agreement, the Defendant further waives and gives up the right to appeal.

Defendant understands that pleading guilty / no contest to a crime may affect a person's immigration status, could result in deportation or removal, or could prevent a person from ever being able to get legal status in the United States.

DEFENDANT'S STATEMENTS / WAIVERS - I have read and I understand the above. I have discussed the case and my constitutional rights with my attorney, if I have one. I understand that I have the right to be represented throughout the case by an attorney. I understand that if I cannot afford to hire my own attorney and meet the criteria set by the Court for appointment of a public defender I could have a court-appointed attorney to assist me. I understand that by pleading guilty / no contest / responsible, I will be giving up the following rights: the right to plead not guilty; the right to have a trial; the right to confront and cross-examine the State's witnesses; the right to compel the attendance of witnesses on my behalf; the right to be presumed innocent until proven guilty beyond a reasonable doubt; my privilege against self-incrimination; and the right to seek judicial review by a direct appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein.

Date

11/1/10

Defendant's Signature

Robert Smith

☐ In Custody

STATEMENT OF DEFENSE ATTORNEY - I have discussed this case with my client in detail and advised him of his constitutional rights and all possible defenses. I believe that the plea and disposition set forth herein are appropriate under the facts of this case. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Defense Attorney's Signature

[Signature]

STATEMENT OF PROSECUTOR - I reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Prosecutor's Signature

Alan Kuffner / Manny Bustamante